TABLE OF CONTENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of	:	Customer Number: 46320
	:	
Wendell BOUKNIGHT et al.	:	Confirmation Number: 6588
	:	
Application No.: 10/716,688	:	Group Art Unit: 2152
	:	
Filed: November 19, 2003	:	Examiner: B. Whipple
	:	

For: AUTONOMIC ASSIGNMENT OF COMMUNICATION BUFFERS BY
        AGGREGATING SYSTEM PROFILES

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Appeal Brief is submitted in support of the Notice of Appeal filed November 30,

2008, wherein Appellants appeal from the Examiner's rejection of claims 1-3 and 14-16.

I. REAL PARTY IN INTEREST

This application is assigned to IBM Corporation by assignment recorded on June 24,

2004, at Reel 014775, Frame 0612.

II. RELATED APPEALS AND INTERFERENCES

Appellants are unaware of any related appeals and interferences.

III. STATUS OF CLAIMS

Claims 1-3 and 14-16 are pending and two-times rejected in this Application. Claims 4-13 and 17-18 have been cancelled. It is from the multiple rejections of claims 1-3 and 14-16 that this Appeal is taken.

IV. STATUS OF AMENDMENTS

The claims have not been amended subsequent to the imposition of the Second and Final Office Action dated September 24, 2008 (hereinafter the Second Office Action).

V. SUMMARY OF CLAIMED SUBJECT MATTER

1 Referring to Figure 2 and also to independent claim 1, and autonomic buffer
2 configuration method is disclosed. In 210A-D, data flowing through buffers in a
3 communications system is monitored (lines 3-6 of paragraph [0026]). In block 210A, different
4 data sizes for different ones of said data flowing through said buffers are recorded in at least one
5 buffer profile during an established interval of time (lines 6-9 of paragraph [0026]). In step 230,
6 an optimal buffer size is computed based upon a specification of a required percentage of times a
7 buffer must be able to accommodate data of a particular size (lines 2-10 of paragraph [0028]). In
8 block 240, at least one of said buffers is resized without re-initializing said at least one resized
9 buffer (lines 10-11 of paragraph [0028]).
10 Referring to Figure 2 and also to independent claim 14, a machine readable storage
11 having stored thereon a computer program for autonomic buffer configuration is disclosed. The
12 computer program comprising a routine set of instructions, which when executed by the
13 machine, cause the machine to perform the following steps. In 210A-D, data flowing through

1   buffers in a communications system is monitored (lines 3-6 of paragraph [0026]). In block

2   210A, different data sizes for different ones of said data flowing through said buffers are

3   recorded in at least one buffer profile during an established interval of time (lines 6-9 of

4   paragraph [0026]). In step 230, an optimal buffer size is computed based upon a specification of

5   a required percentage of times a buffer must be able to accommodate data of a particular size

6   (lines 2-10 of paragraph [0028]). In block 240, at least one of said buffers is resized without re-

7   initializing said at least one resized buffer (lines 10-11 of paragraph [0028]).

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

1.   Claims 1-3 and 14-16 were rejected under 35 U.S.C. § 103 for obviousness based

upon Bakshi et al., U.S. Patent No. 6,836,785 (hereinafter Bakshi), in view of Dupont, U.S.

Patent No. 6,842,800.

VII. ARGUMENT

1   **THE REJECTION OF CLAIMS 1-3 AND 14-16 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS**

2   **BASED UPON BAKSHI IN VIEW OF DUPONT**

3   For convenience of the Honorable Board in addressing the rejections, claims 2-3 and 14-

4   16 stand or fall together with independent claim 1.

5

6   As is evident from Appellants' previously-presented comments during prosecution of the

7   present Application and from Appellants' comments below, there are questions as to how the

8   limitations in the claims correspond to features in the applied prior art. In this regard, reference

9   is made to M.P.E.P. § 1207.02, entitled "Contents of Examiner's Answer." Specifically, the

10   following is stated:

11   (A) CONTENT REQUIREMENTS FOR EXAMINER'S ANSWER. The examiner's
12   answer is <u>required to include</u>, under appropriate headings, in the order indicated, the following
13   items:
14   ...
15   (9)(e) For each rejection under 35 U.S.C. 102 or 103 where there are questions
16   as to how limitations in the claims correspond to features in the prior art even after the
17   examiner complies with the requirements of paragraphs (c) and (d) of this section, the
18   examiner <u>must</u> compare at least one of the rejected claims <u>feature by feature</u> with the
19   prior art relied on in the rejection. The comparison <u>must</u> align the language of the claim
20   side-by-side with a reference to the specific page, line number, drawing reference
21   number, and quotation from the prior art, as appropriate. (emphasis added)
22
23   Therefore, if the Examiner is to maintain the present rejections and intends to file an Examiner's

24   Answer, the Examiner is required to include the aforementioned section in the Examiner's

25   Answer.

26

27   "In rejecting claims under 35 U.S.C. § 103, the examiner bears the initial burden of

28   presenting a *prima facie* case of obviousness." <u>In re Rijckaert</u>, 9 F.3d 1531, 1532 (Fed. Cir.

29   1993) (citing <u>In re Oetiker</u>, 977 F.2d 1443, 1445 (Fed. Cir. 1992)). As noted by the Supreme

1   Court in <u>KSR Int'l Co. v. Teleflex Inc.</u>, 127 S. Ct. 1727, 1741 (2007)(quoting In re Kahn, 441

2   F.3d 977, 988 (Fed. Cir. 2006)). "rejections on obviousness grounds cannot be sustained by

3   merely conclusory statements; instead there must be some articulated reasoning with some

4   rational underpinning to support the legal conclusion of obviousness." Moreover, this analysis

5   should be made explicit. The legal conclusion of obviousness is based on underlying findings of

6   fact including the scope and content of the prior art, the differences between the prior art and the

7   claims at issue, and the level of ordinary skill in the pertinent arts. <u>Id.</u> at 1734. "Secondary

8   considerations such as commercial success, long felt but unsolved needs, failure of others, etc.,

9   might be utilized to give light to the circumstances surrounding the origin of the subject matter

10   sought to be patented." <u>Id.</u> (quoting <u>Graham v. John Deere Co. of Kansas City</u>, 383 U.S. 1, 17–

11   18 (1966)). Therefore, to properly make a finding of obviousness, a comparison between the

12   applied prior art and the claims at issue must be made to ascertain the differences between what

13   is being claimed and the teachings of the applied prior art.

14

15   Moreover, before making a proper comparison between the claimed invention and the

16   prior art, the language of the claims must first be properly construed. <u>See</u> <u>In re Paulsen</u>, 30 F.3d

17   1475, 1479 (Fed. Cir. 1994); <u>see also</u>, <u>Panduit Corp. v. Dennison Mfg. Co.</u>, 810 F.2d 1561,

18   1567-68 (Fed. Cir. 1987) (In making a patentability determination, analysis must begin with the

19   question, "what is the invention claimed?" since "[c]laim interpretation, . . . will normally control

20   the remainder of the decisional process"); <u>see</u> <u>Gechter v. Davidson</u>, 116 F.3d 1454, 1460 (Fed.

21   Cir. 1997) (requiring explicit claim construction as to any terms in dispute).

22

23

1   <u>Claim 1</u>

2   At the outset, Appellants note that the Examiner has mischaracterized the teachings of

3   Bakshi. For example, claim 1 recites monitoring data flowing through buffers in a communication

4   system. However, the Examiner's cited passage refers to a single buffer and not a plurality of

5   buffers. Also, the Examiner asserted that Bakshi teachings "computing an optimal buffer size based

6   upon a specification of a required percentage." This assertion, however, is not correct. In this

7   regard, Appellants note that the claimed invention must be considered as a whole. However, by

8   parsing the phrase "a required percentage" from "a required percentage of times a buffer must be

9   able to accommodate data of a particular size," the Examiner is misconstruing the term "required

10   percentage." Moreover, the teachings of Bakshi do not even teach a "required percentage." The

11   percentage referred to in Bakshi is not "required." Instead, the percentage is just a number that

12   alters the capacity of the buffer 302.

13

14   Regarding the claimed "required percentage of times a buffer must be able to

15   accommodate data of a particular size," the Examiner identified column 3, lines 24-34 of

16   Dupont. This passage, however, does not teach what the Examiner purports this passage to

17   teach. Instead, this passage teaches that a buffer memory allocator 80 uses packet size

18   information to determine how many of a number of buffer units of each type to allocate. Entirely

19   absent from the teachings of Dupont is the notion of computing an optimal buffer size. Instead,

20   Dupont acts by changing the number of buffers of a particular type.

21

22   The question of obviousness does not resolve on whether or not the Examiner can

23   identify within the teachings of the applied prior art the individual elements of the claimed

1   invention. Instead, the question of obviousness resolves on what common sense modifications

2   the applied prior art suggests to one having ordinary skill in the art at the time of the invention.

3   Moreover, the suggested modifications must also result in a reasonable expectation of a

4   predictable result.

5

6   The Examiner's proposed benefit for the modification is "to efficiently allocate buffers

7   for the storage of variable-sized data packets." The Examiner's proposed benefit, however,

8   completely ignores the teachings of Bakshi. Based upon the teachings of Bakshi, whether or not

9   data is efficiently allocated within the buffer 302 is not important. Bakshi varies the size of the

10   buffer to change the delay time of requests waiting in the queue (see column 4, lines 35-44). By

11   decreasing the buffer size, less requests are queued, which reduces the delay time.

12

13   The Examiner's proposed benefit also ignores that the teachings that Bakshi teaches a

14   single buffer. As such, Dupont's methodology for allocating buffers is not applicable to Bakshi.

15   Therefore, for the reasons described above, Appellants' position is that one having ordinary skill

16   in the art would not have recognized that the claimed invention, as recited in claims 1 and 14, is

17   obvious in view of the combination of Bakshi and Dupont.

18

19   The above arguments (incorporated herein) were previously presented on pages 7 and 8

20   of the First Response dated June 23, 2008 (hereinafter the First Response). The Examiner's

21   response to Appellants' arguments are found on pages 2-4 of the Second Office Action in the

22   section entitled "Response to Arguments." In responding to Appellants' arguments that the

23   Examiner has mischaracterized Bakshi since claim 1 recites monitoring data flowing through

1   buffers in a communication system while the Examiner's cited passage refers to a single buffer and

2   not a plurality of buffers, the Examiner asserted the following:

3   As to claim 1, Applicant argues the cited passage of Bakshi is directed to a single buffer
4   and not a plurality of buffers. However, when responding to a rejection, the Applicant should
5   consider the grounds of rejection as a whole. In response to Applicant's arguments against the
6   references individually, one cannot show nonobviousness by attacking references individually
7   where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208
8   USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).
9   The grounds of rejection for claim 1 are both Bakshi and Dupont. Dupont discloses a plurality of
10   buffers (Abstract, ln. 3-9).
11
12   At the outset, Appellants note that the Examiner is now relying upon Dupont to teach multiple

13   buffers. Thus, the Examiner is now relying upon Bakshi to teach monitoring data flowing

14   through a buffer and relying upon Dupont to teach multiple buffers. Appellants respectfully

15   disagree with the Examiner's assertion that Dupont teaches multiple buffers. As will be

16   described in much greater detail below, Dupont does not teach multiple buffers. Instead, Dupont

17   teaches a <u>single</u> buffer that can be subdivided into buffer sections. In fact, Dupont's disclosure is

18   directed to teaching how to allocate (by size and number) the number of particular buffer

19   sections within the single buffer. Thus, the Examiner has mischaracterized the scope and content

20   of the applied prior art.

21

22   _____

23   In the first full paragraph on page 3 of the Second Office Action, the Examiner asserted

24   the following:

25   Additionally, Applicant argues the Examiner improperly parses "a required percentage"
26   from "a required percentage of times a buffer must be able to accommodate data of a particular
27   size." The Examiner points out that Dupont is relied upon to disclose the language, "a required
28   percentage of times a buffer must be able to accommodate data of a particular size", in its entirety
29   (Col. 3, ln. 24-34).
30
31   For ease of reference, the Examiner's cited passage of column 3, lines 24-34 of Dupont is

32   reproduced below:

1   The buffer memory allocator 80 is responsible for allocating the buffer units of varying
2   sizes within the buffer memory 50. The buffer memory allocator 80 uses the packet size
3   information obtained by the packet monitor 60 to determine the number of buffer units of each
4   type to allocate. For example, the packet monitor 60 may determine that N packets of size s, and
5   M packets of size b have been received recently. As illustrated in FIG. 2, the buffer memory
6   allocator 80 may then allocate the memory in the buffer storage section 50 to form N buffer units
7   of size s 90 and M buffer units of size b 100.
8
9   Also for ease of reference, the claim limitation at issue is:

10   computing an optimal buffer size based upon a specification of a required

11   percentage of times a buffer must be able to accommodate data of a particular

12   size.

13

14   Notwithstanding the Examiner's assertion that column 3, lines 24-34 of Dupont teaches

15   all of the limitations at issue, Appellants respectfully disagree. The concept of "a required

16   percentage" is absent from this teaching. The term "percentage" or any analogous teaching is

17   completely missing from the Examiner's cited passage. Based upon the cited teachings of

18   Dupont, there is no factual support that Dupont would have considered "a required percentage of

19   times a buffer must be able to accommodate data of a particular size" as a factor to be used in

20   computing an optimal buffer size. Thus, the Examiner has mischaracterized the scope and

21   content of Dupont, and in so doing, the Examiner has failed to set forth a proper *Graham*

22   analysis.

23

24   _____

25   In the second full paragraph on page 3 of the Second Office Action, the Examiner

26   asserted the following:

27   Applicant further argues Dupont's cited section (see the preceding paragraph) fails to
28   disclose computing an optimal buffer size. Firstly, Examiner points out that Bakshi is relied upon
29   to disclose this language (Col. 4, ln. 12-16). Secondly, Dupont also discloses computing an
30   optimal buffer size (Col. 3, ln. 24-34).
31
32   Appellants recognize that Bakshi teaches computing an optimal buffer size. However, assuming

1   arguendo that Dupont teaches computing an optimal buffer size based upon the teachings of

2   column 3, lines 24-34, the Examiner's analysis has failed to consider the claimed invention, as a

3   whole. Specifically, the Examiner has failed to explain why one skilled in the art would modify

4   Bakshi's method of calculating an optimal buffer size with Dupont's method of calculating an

5   optimal buffer size. Moreover, as will be discussed in greater detail below, one having ordinary

6   skill in the art would not make such a combination.

7

8   _____

9   In the last full paragraph on page 3 of the Second Office Action, the Examiner asserted

10   the following:

11   Applicant argues it would not be obvious to modify Bakshi with Dupont, because Bakshi
12   is concerned with decreasing the buffer size. Examiner recognizes this and points out that Dupont
13   is also concerned with decreasing buffer size (Col. 4, ln. 39-43, "small packets do not have to be
14   stored in large buffer units that could otherwise hold a data packet"). Therefore, it would have
15   been obvious to monitor buffer size in the manner taught by Dupont as it would help Bakshi
16   decrease the buffer size. Additionally, Bakshi's decreasing of buffer size is in response to an
17   overloaded state (Abstract). Therefore, ensuring efficient allocation of buffer size initially would
18   help prevent such an overloaded state.
19

20   The Examiner's proposal to modify the teachings of Bakshi in view of Dupont render

21   Bakshi inoperable for its intended purpose. Combinations of references that render a prior art

22   device inoperable or fundamentally change the manner of operation of the device have not

23   previously supported a finding of obviousness. See In re Ratti, 270 F.2d 810, 813 (CCPA 1959)

24   ("This suggested combination of references would require a substantial reconstruction and

25   redesign of the elements shown [in the prior art] as well as a change in the basic principles under

26   which [the prior art] construction was designed to operate"), In re Gordon, 733 F.2d 900, 902

27   (Fed. Cir. 1984) ("the [prior art] apparatus ... would be rendered inoperable for its intended

28   purpose").

Application No.: 10/716,688

1

2   Contrary to the Examiner's assertion, Appellants did not simply argue "it would not be

3 obvious to modify Bakshi with Dupont, because Bakshi is concerned with decreasing the buffer

4 size." Instead, as argued on page 8, lines 9-11 of the First Response and reproduced above,

5 Bakshi varies the size of the buffer to change the delay time of requests waiting in the queue (see

6 column 4, lines 35-44).

7

8   To further clarify this point, Bakshi teaches varying the size of the buffer depending upon

9 the overload status of the server (column 1, lines 49-54). If the server is not overloaded, the

10 buffer can be large (column 1, lines 54-56). However, if the server is overloaded for a

11 predetermined amount of time, the size of the buffer can be reduced, which reduces the number

12 of requests being stored. Subsequently, when the buffer is full, any additional requests arriving

13 at the buffer will be discarded or blocked (column 1, lines 56-61). When the number of requests

14 held in the buffer are reduced (i.e., by reducing the size of the buffer), the delay time for any

15 request entering the buffer can be reduced (column 1, lines 62-64). In this manner, even if the

16 server runs at full capacity, the delay time can be reduced for requests in the buffer (column 1,

17 line 64 through column 2, line 3).

18

19   Another important concept to be considered with regard to the teachings of Bakshi is that

20 Bakshi deals with "requests" whereas Dupont acts on "data packets" of an unknown size. As

21 would be recognized by one skilled in the art, a "request" is a specific type of "data packet" with

22 a size that is generally known. As such, referring to column 4, lines 19-22 and column 5, lines

23 48-49 of Bakshi, the buffer can be sized in number of incoming requests (e.g., "25 incoming

11

1   requests," "100 incoming requests") instead of an absolute size of the buffer. If the size of the

2   request was overly variable, Bakshi would not be able to characterize the size of the buffer by the

3   number of incoming requests.

4

5   The teachings of Dupont, however, are very different from Bakshi and address a problem

6   not applicable to the teachings of Bakshi. Specifically, Dupont is directed to a buffering system

7   in which data packets of varying sizes are received (column 1, lines 55-56). For example,

8   referring to Fig. 3 of Dupont and column 3, line 60 through column 4, line 14, a buffer memory

9   50 can be split into three buffer sections 52, 54, 56 respectively having different sizes a, b, c. As

10   a data packet is received, the data packet is allocated to a particular buffer section 52, 54, 56

11   based upon the size of the data packet. For example, a data packet with a size smaller than a will

12   be directed to buffer section 52. A data packet with a size larger than b but smaller than c will be

13   directed to buffer section 54, and a data packet with a size larger than c will be directed to buffer

14   section 56.

15

16   Referring to column 2, line 35 through column 3, line 67, much of Dupont's teachings are

17   directed to how the buffer sections are allocated in terms of size and number. In a preferred

18   aspect, Dupont teaches that a packet monitor 60 monitors incoming data packets to track the size

19   of all the data packets and to track the frequency at which specific packet sizes are received

20   (column 2, lines 47-49). Referring to column 3, lines 24-39, a buffer memory allocator 80

21   utilizes the packet size information obtained by the packet monitor 60 to allocate the buffer

22   sections by both number of units and by size.

23

1   Upon considering the teachings of Bakshi and Dupont, as a whole, one having ordinary

2   skill in the art would recognize that combining Bakshi and Dupont would not be desirable.

3   Although Bakshi is unclear as to this fact, the "requests" of Bakshi are either variable in size or

4   consistent in size. If the requests of Bakshi are variable in size, and the teachings of Dupont are

5   applied to Bakshi, Bakshi would not be able to resize the capacity of the buffer while still having

6   an accurate knowledge of the acceptance limit of the buffer as a whole since the buffer may have

7   a different acceptance limit depending upon the size of the request being submitted and whether

8   there is a buffer section (of the appropriate size) available to store the request.

9

10   However, if the requests of Bakshi are similar in size, as evident by the presumptions

11   being employed by Bakshi in calculating the acceptance limit, then the teachings of Dupont

12   would not provide any benefit. If all the data packet sizes are the same, then the result of

13   Dupont's analysis would be allocate all buffer sections with the same size – the size of the

14   request. By analogy, the teachings of Bakshi are comparable to a shoe store having a variable

15   number of shoe racks and the capacity (i.e., number of people in the store) is limited by the

16   number of shoe racks. As such, when the shoe salespeople are busy, the number of shoe racks

17   are reduced, which means any given person within the shoe store gets served just as fast as if the

18   shoe store wasn't busy. By comparison, Dupont teaches keeping track of the number of people

19   and what size shoes they are wearing and varying the number of racks allocated to a particular

20   shoe size based upon this tracking. However, as argued above, Bakshi presumes that the size of

21   the shoe (i.e., the size of the request) is always the same for a person walking in the door. As

22   such, keeping track of the number of people and what size shoes they are wearing and varying

23   the number of racks allocated to a particular shoe size based upon this tracking, as taught by

1 Dupont, would be a useless process since the number of racks allocated to a particular shoe size

2 would always remain the same.

3

4 Therefore, Appellants' position is that one having ordinary skill in the art, when

5 considering modifying Bakshi in view of Dupont, would have recognized that no benefit would

6 be realized by this combination based upon the assumptions being employed by Bakshi.

7

8 _____

9 In the first full paragraph on page 4 of the Second Office Action, the Examiner asserted

10 the following:

11 Applicant argues it would further not be obvious to modify Bakshi with Dupont, because
12 Bakshi is directed to a single buffer. Regardless, the benefits of monitoring the size of this single
13 buffer in a manner done for a plurality of buffers in Dupont is directly applicable to Bakshi for the
14 benefits described in the preceding paragraph.
15
16 Appellants have already addressed this assertion.

17

18 Conclusion

19 Based upon the foregoing, Appellants respectfully submit that the Examiner's rejection

20 under 35 U.S.C. § 103 based upon the applied prior art is not viable. Appellants, therefore,

21 respectfully solicit the Honorable Board to reverse the Examiner's rejection under 35 U.S.C. § 103.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due under 37 C.F.R. §§ 1.17, 41.20, and in connection with the filing of this paper, including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to such deposit account.

Date: November 30, 2008   Respectfully submitted,

               /Scott D. Paul/
               Scott D. Paul
               Registration No. 42,984
               Steven M. Greenberg
               Registration No. 44,725
               Phone: (561) 922-3845
               CUSTOMER NUMBER 46320

VIII. CLAIMS APPENDIX

1. An autonomic buffer configuration method comprising the steps of:

monitoring data flowing through buffers in a communications system;

recording in at least one buffer profile different data sizes for different ones of said data flowing through said buffers during an established interval of time;

computing an optimal buffer size based upon a specification of a required percentage of times a buffer must be able to accommodate data of a particular size; and,

re-sizing at least one of said buffers without re-initializing said at least one resized buffer.

2. The method of claim 1, wherein said recording step further comprises the step of varying delays between consecutive input/output operations in said communications system to affect how much data flows between said communications system and an application coupled to said communications system.

3. The method of claim 1, wherein said monitoring step comprises the step of monitoring said data for each connection in said communications system.

14. A machine readable storage having stored thereon a computer program for autonomic buffer configuration, the computer program comprising a routine set of instructions which when executed by the machine cause the machine to perform the steps of:

monitoring data flowing through buffers in a communications system;

recording in at least one buffer profile different data sizes for different ones of said data flowing through said buffers during an established interval of time;

computing an optimal buffer size based upon a specification of a required percentage of times a buffer must be able to accommodate data of a particular size; and,

re-sizing at least one of said buffers without re-initializing said at least one resized buffer.

15. The machine readable storage of claim 14, wherein said recording step further comprises the step of varying delays between consecutive input/output operations in said communications system to affect how much data flows between said communications system and an application coupled to said communications system.

16. The machine readable storage of claim 14, wherein said monitoring step comprises the step of monitoring said data for each connection in said communications system.

IX. EVIDENCE APPENDIX

No evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132 of this title or of any other evidence entered by the Examiner has been relied upon by Appellants in this Appeal, and thus no evidence is attached hereto.

X. RELATED PROCEEDINGS APPENDIX

Since Appellants are unaware of any related appeals and interferences, no decision rendered by a court or the Board is attached hereto.